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Date: April 15, 2005

To Examiner : Susan B. McCormick-Ewoldt
Group 1654

From: Darlene A. Vanstone
Registration No. 35,729

Fax Number: (703) 872-9306

Subject: Paper: Reply to Restriction Requirement
Docket No.: 4010.3004 US1
Applicants: Bernadene Ann Magnuson, *et al.*
Serial No.: 10/795,967
Filing Date: March 8, 2004

Number of pages including this cover sheet 3

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RECEIVED
CENTRAL FAX CENTERPATENT APPLICATION
APR 15 2005 Docket No.: 4010.3004 USJ

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bernadene Ann Magnuson, Monica M. Giusti, Minnie Malik and Cuiwei Zhao

Application No.: 10/795,967 Group Art Unit: 1654

Filed: March 8, 2004 Examiner: Susan B. McCormick-Ewoldt

Confirmation No.: 8630

For: ANTHOCYANIN-RICH COMPOSITIONS AND METHODS FOR INHIBITING
CANCER CELL GROWTH

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REPLY TO RESTRICTION REQUIREMENTMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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Sir:

Responsive to the Restriction Requirement dated March 18, 2005, Applicants elect, with traverse, Group I claims 1-22. Applicants traverse the restriction requirement and respectfully submit that Claims 1-22 require the use of an anthocyanin-rich extract of the same scope as the anthocyanin rich extract of the pharmaceutical composition of Claims 23-27. The examination of claims drawn to pharmaceutical compositions (Group II) necessarily requires a search on all uses of the pharmaceutical composition, and therefore there is no added search burden to simultaneously search both Group I and Group II claims.

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Applicants request clarification of the classification. It is Applicants understanding that the method of use lies with the pharmaceutical composition and that the classes/subclasses involved are 424/ 732, 765, 766, 773 and 777.

The Examiner has requested that the Applicants elect a species. Applicants elect the anthocyanin-rich extract derived from chokeberries. Claims 1-4 and 6-22 of Group I, and Claims 22-27 of Group II, read on an anthocyanin-rich extract derived from chokeberries.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 251-3509.

Respectfully submitted,

ELMORE, CRAIG & VANSTONE, P.C.

By 

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Dated: *April 15, 2005*